

Appl. No. : 10/790,932
Filed : March 2, 2004

REMARKS

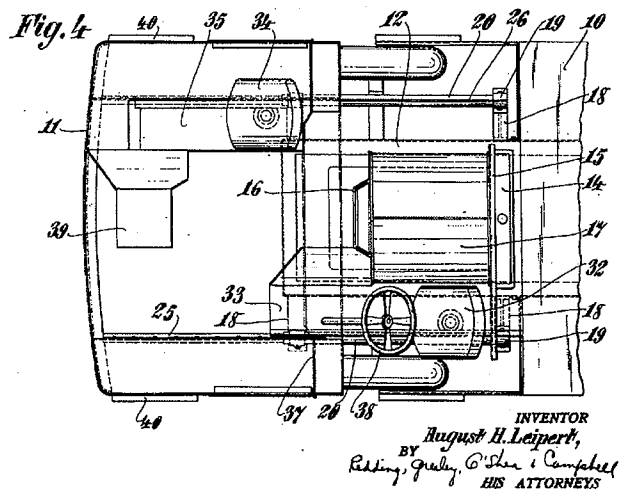
In response to the Office Action mailed on April 5, 2006 and together with the accompanying Request for Continued Examination, Applicant respectfully requests reconsideration and allowance of the present application in view of the amendments set forth above and the remarks set forth below. Claims 1-27 remain pending and Claims 1 and 20 have been amended.

Claims 1 and 20 Are Patentable Over the Applied Combination

Claims 1-5, 13-17 and 20-23 have been rejected as unpatentable over Leipert (U.S. Pat. No. 1,852,464) in view of Fukamachi (U.S. Pat. No. 6,405,823).

Leipert disclosed a moveable cab assembly for a truck. The seats were positioned to the lateral sides of the engine but did not overlap the engine. See, e.g., Col. 1, lines 1-9. Fukamachi disclosed a three-wheeler construction in which the engine would be located beneath the single seat of the three-wheeler.

To the contrary, Claim 1 and Claim 20 each recite that a portion of the engine is positioned vertically below a portion of the seat assemblies. In other words, the claimed constructions feature an engine that, when viewed from above in a plan view (see Figure 2), overlaps with the two seats while being positioned vertically beneath the seats. Neither reference taught or suggested such a construction. Thus, the applied combination of the two references could not have taught such a construction and Claims 1 and 20 define over the applied combination. Reconsideration and allowance of Claims 1 and 20 are respectfully requested.



Claims 2-19 and 21-27 Also Are Patentable

Claims 2-5, 13-17 and 21-27 were rejected as unpatentable over Leipert in view of Fukamachi while Claims 6-12 were rejected as unpatentable over Leipert in view of Fukamachi and further in view of Rioux et al. (U.S. Patent No. 6,648,093) and Claims 18 and 19 were rejected as unpatentable over Leipert in view of Fukamachi and in further view of Matsuura et al. (U.S. Patent No. 6,920,949).

Appl. No. : 10/790,932
Filed : March 2, 2004

Neither Rioux et al. nor Matsuura et al. taught or suggested a portion of the engine being positioned vertically below a portion of at least two seat assemblies. In other words, the engines of Rioux et al. and Matsuura et al. did not overlap with two seat assemblies; rather, the engines of Rioux et al. and Matsuura were positioned below a single seat. Hence, even when these two additional references are combined with the two references used to reject Claim 1 and Claim 20, the combinations fail to teach or suggest all of the limitations of Claim 1 and Claim 20. Because the claims that are the subject of these further rejections ultimately depend from Claim 1 or Claim 20, these claims are not unpatentable for at least the same reasons that Claims 1 and 20 are not unpatentable. In addition, at least some of these dependent claims recite further distinctions over the applied combination. Reconsideration and allowance of these dependent claims are respectfully requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8.4.2006

By: 

Robert J. Roby
Registration No. 44,304
Attorney of Record
Customer No. 20,995
(949) 760-0404